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Deposited Feb. 26, 2002

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as Express Mail Post Office to Addressee under 37 CFR 1.10 on the date indicated above and is addressed to the BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231.

By: ERICK SILVA
(person *actually* depositing)

In the Application of: Rogers et al.

Serial No. 10/052,077

Filing Date: January 17, 2002

For: PASSIVE FLOW CONTROL DEVICES FOR IMPLANTABLE PUMPS

- Fee Transmittal Form - 1 page in duplicate
- Transmittal Form - 1 page in duplicate
- Response to Notice to File Missing Parts mailed February 6, 2002 - 1 page
- Copy of Notice to File Missing Parts mailed February 6, 2002 - 1 page
- Copy of Executed Declaration/Power of Attorney from parent case - 3 pages
- Return Receipt Post Card

Attorney Docket No: 11738.00052



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/052,077	01/17/2002	Charles Rogers	11738.00052

22908
BANNER & WITCOFF, LTD.
TEN SOUTH WACKER DRIVE
SUITE 3000
CHICAGO, IL 60606



CONFIRMATION NO. 2977

FORMALITIES LETTER



OC00000007431002

Date Mailed: 02/06/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

03/05/2002 SMINASS1 00000059 010850 10052077

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DOCKET

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FFB 11 2002

01/1738,00052
BANNER & WITCOFF, LTD.

Response w/o Oath or
Dec. due 4/6/02; last
9/6/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 11738.00052)

In the Application of:

Rogers et al.

Serial No.: 10/052,077

Filed: January 17, 2002

For: Passive Flow Control Devices for Implantable
Pumps



Group Art Unit:

Examiner: (TBA)

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents
Attention: BOX MISSING PARTS
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed February 6, 2002, and in order to complete the filing formalities, applicants hereby submit the enclosed Declaration and Power of Attorney. A copy of the Notice is enclosed. Any inquiries regarding this matter should be directed to the undersigned (direct dial telephone number: 312-715-3428).

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: 2-26-02

By:

Scott Burow
Scott A. Burow
Reg. No. 42,373

82-27-0244 *Seal for 8*
Please type a plus sign (+) inside this box → **[+]**

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/052,077

Filing Date

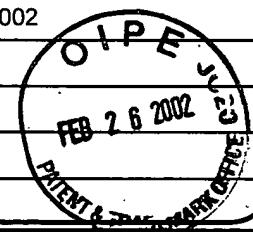
January 17, 2002

First Named Inventor

Rogers

Group Art Unit

Examiner Name



Attorney Docket Number

11738.00052

ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Response

After Final

Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

Assignment Papers
(for an Application)

Drawing(s)

Licensing-related Papers

Petition Routing Slip (PTO/SB/69) and Accompanying Petition

Petition to Convert to a Provisional Application

Power of Attorney, Revocation Change of Correspondence Address

Terminal Disclaimer

Request for Refund

CD, Number of CD(s) _____

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s)
(please identify below):

Remarks

Being filed via Express Mail No.: EL929162843US

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Scott A. Burow

Signature

Date

2-26-02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: _____

Typed or printed name

Signature

Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130)

Complete If Known	
Application Number	10/052,077
Filing Date	January 17, 2002
First Named Inventor	Rogers
Examiner Name	
Group / Art Unit	

O I P E
FEB 26 2002
P A Y M E N T
U. S. P A T E N T
T R A D E M A R K
O F F I C E

METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																																																														
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="01-0850"/></p> <p>Deposit Account Name <input type="text" value="Banner & Witcoff, Ltd."/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>					<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity / Fee Code</th> <th>Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>130</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - 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SUBMITTED BY						Complete (if applicable)
Name (Print/Type)	Scott A. Burow	Registration No. Attorney/Agent)	42,373	Telephone	312-715-1000	
Signature	<i>Scott A. Burow</i>			Date	2-26-02	

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